

REMARKS

Claims 39, 49, 50, 66 and 68 are pending. Claims 39, 49, and 50 have been withdrawn.

Reconsideration is respectfully requested.

Double-Patenting

The Examiner has rejected claims 66 and 68 on the grounds of non-statutory double patenting over claims 1, 3 and 4 of United States Patent No. 6,287,285.

Applicants have co-filed a Terminal Disclaimer herewith, obviating the double patenting rejection. Withdrawal is requested.

Rejoinder

Applicants respectfully submit that the pending claims are in condition for allowance.

MPEP § 821.04 recites the following:

The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder. Rejoinder involves withdrawal of a restriction requirement between an allowable elected invention and a nonelected invention and examination of the formerly nonelected invention on the merits.

In order to be eligible for rejoinder, a claim to a nonelected invention must depend from or otherwise require all the limitations of an allowable claim.

Therefore, Applicants respectfully request rejoinder of claims 39, 49, and 50 that depend from claim 66.

CONCLUSION

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance. Applicants respectfully request the allowance of claims 66 and 68, and rejoinder and examination on the merits of withdrawn claims 39, 49, and 50.

If necessary to ensure a timely response, this paper should be considered as a petition for an Extension of Time sufficient to provide a timely response. The undersigned authorizes the Commissioner to charge any fees that may be required to the **Squire, Sanders, and Dempsey Deposit Account No. 07-1850.**

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

Dated: August 10, 2009
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